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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(3.2.2020)

The Memorandum of Understanding of 19 August 2015 between the European Commission acting on behalf of the European Stability Mechanism, the Hellenic Republic and the Bank of Greece provided for the sale of TRAINOSE SA through a public tender. The public tender was launched in January 2016 on open, non-conditional and transparent terms, including information on TRAINOSE SA's existing public service contract. As the sale of TRAINOSE SA took place following an open, non-conditional and transparent tender, the price paid by Ferrovie dello Stato Italiane S.p.A. was a market price and the sale did not entail State aid¹.

Compensation granted under a public service contract for the provision of rail passenger services such as TRAINOSE SA's existing public service contract must comply with the principles contained in Regulation 1370/2007². This Regulation provides in particular, that the public service operator is entitled to compensation which does not exceed what is necessary to cover the costs incurred through discharging the public service obligations, taking account of a reasonable profit.

A compensation that is granted in compliance with Regulation 1370/2007 is compatible with the internal market and is exempted from the notification procedure provided by Article 108 paragraph 3 of the Treaty on the Functioning of the European Union³. It is the responsibility of the Member State to ensure that the compensation granted under a public service contract for the provision of public passengers transport services complies with Regulation 1370/2007. The Commission has not received a notification concerning the public service contract concluded in December 2015 between the Greek State and TRAINOSE SA.

¹ See Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union, C/2016/2946, OJ C 262, 19.7.2016, p. 1–50, paragraphs 89-95.

² Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70

³ See in particular Article 9 of Regulation 1370/2007.